

**FACULTY CONSULTATIVE COMMITTEE (FCC)**  
**January 21, 2016**  
**Minutes of the Meeting**

*These minutes reflect discussion and debate at a meeting of a committee of the University of Minnesota Senate; none of the comments, conclusions, or actions reported in these minutes represents the views of, nor are they binding on, the Senate, the Administration, or the Board of Regents.*

**[In these minutes:** Chief of Police Matt Clark; Draft Graduate Education Policies; Provost Hanson; Petition by SEIU to Represent Twin Cities Faculty; Draft Freedom of Expression Statement]

**PRESENT:** Colin Campbell (chair), Jigna Desai (vice chair), Catherine French, Linda Bearer, Dan Feeney, Gary Gardner, Kathleen Krichbaum, George Trachte, Susan Wick, Heidi Barajas, Janet Ericksen, Oren Gross, Joseph Konstan, Chris Uggen, Jean Wyman

**REGRETS:** Scott Lanyon, LaDora Thompson, Dale Carpenter, Greta Friedemann-Sanchez, Karen Mesce

**GUESTS:** Chief of Police Matt Clark; Professors Elizabeth Davis and Kathleen Thomas, Graduate Education Council Policy Subcommittee members; Provost Hanson; Vice President for Human Resources Kathy Brown; Patti Dion, director, Employee Relations and Staff Compensation, Office of Human Resources

**OTHERS ATTENDING:** Belinda Cheung, assistant vice provost of graduate education, Graduate School Vice Provost for Faculty and Academic Affairs Rebecca Ropers-Huilman; Brian Edwards, reporter, Minnesota Daily; Deb Cran, chief of staff, Office of the Senior Vice President for Academic Affairs & Provost; Vickie Courtney, director, Senate Office

1. **Call to order:** Professor Campbell called the meeting to order and welcomed those present.

2. **Conversation with Chief of Police Matt Clark:** Professor Campbell welcomed Chief of Police Matt Clark to the meeting and asked him to provide information about his background and to talk about University public safety in general. Chief Clark said he began his policing career in 1991 in small towns in southern Minnesota, and then moved to the Minneapolis Police Department where he worked for 22 years. After retiring from the Minneapolis Police Department as assistant chief of police, he came to the University of Minnesota Police Department (UMPD), and is happy to be a part of the University community.

Chief Clark went on to talk about University public safety, which he said is made up of three main components:

- A fully functioning police department.
- The Security Monitor Program, which is a branch of the UMPD that offers free walking and biking security escorts to and from campus locations and nearby adjacent neighborhoods for all students, staff, faculty and visitors.

- The Public Safety Emergency Communications Center (PSECC), another branch of the UMPD that is systemwide that handles 911 calls, monitors camera systems and intercom buttons across the campuses, etc.

Chief Clark noted that, on average, 80,000 people come to the Twin Cities campus every day of the workweek, which includes about 52,000 students, making it the fifth largest city in the State of Minnesota. Therefore, it is critical to have comprehensive public safety systems in place to ensure the campus is safe. He emphasized that the statistics demonstrate the campus is a very safe place. The violent crime that happens on campus represents .1% of the violent crime for the City of Minneapolis. Theft is the number one issue for campus, said Chief Clark, with approximately 400 incidents reported per year.

Next, Chief Clark outlined his top priorities:

- Training in four main areas – 1) active shooter, 2) crisis intervention, 3) fair and impartial policing, and 4) crowd and event management.
- Community engagement, e.g., Nerf games, police academy course, Twitter and Facebook accounts.
- Excellence in operations.

Following his presentation, Chief Clark solicited members' questions, which included:

- Professor Wick asked Chief Clark to talk about the safety and security of the student monitors. How are they trained? Chief Clark explained that the student monitors receive extensive training. Their job is to strictly monitor facilities, and to back-off and not engage if there is an issue/problem. Student monitors are trained to call UMPD and report any incidents they come across. While there have been discussions about whether the student monitors should be given defense training, the program is really about monitoring and security.
- Are officers trained in free speech and sexual assault, asked Professor Konstan? Chief Clark reported that officers are trained on common law and constitutional law on an annual basis, and this includes free speech. To meet police licensing standards, officers are required to have a specified amount of training. He added the UMPD does a great job in managing free speech incidents. Regarding sexual assault training, said Chief Clark, officers are also trained in this area. A new campaign was recently launched called "You Can Tell Us," which encourages students to come forward and report if they have been sexually assaulted. The UMPD also has information on their website pertaining to sexual assault - <http://police.umn.edu/sexualassault>.
- Professor Desai asked Chief Clark to talk a little more about the fair and impartial training officers receive. Chief Clark said Dr. Lorie Fridell (<http://www.fairimpartialpolicing.com/people/>) provides UMPD officers with this training, which focuses on making sure officers have an unbiased reason for detaining or talking to someone.
- Talk about the UMPD relationship with off-campus, local police officers, asked Professor French. Chief Clark said UMPD collaboratively works with the Minneapolis Police Department, Hennepin County as well as other agencies to deal with issues that occur in the Marcy Holmes area and University District Alliance (UDA), for example. In terms of physical security in areas around campus, e.g., additional lighting, the police walk a fine

line between crime prevention through environmental design (CPTED) and what the neighborhood wants. The safest way to make neighborhoods safe is to find out who the individuals are that causing incidents and making sure they are arrested, which requires cooperation with people in the neighborhood, and networking with the other agencies in the area to identify who these individuals are.

- Professor Wyman said the University of Wisconsin Police Department (UWPD) has a great active shooting training video that she found valuable (<https://www.youtube.com/watch?v=VzArkRxVkJk>), and wondered whether the UMPD has something similar or plans to put out something similar in the future. Chief Clark said UMPD will come out to meet with any groups on campus and present information on what to do in an active shooter situation. To schedule, call 624-COPS. On average, 30 – 40 presentations are done every year, and this number is on the increase. Additionally, UMPD also has a video – RUN. HIDE. FIGHT® Surviving an Active Shooter Event - <http://police.umn.edu/file/286>. Professor Wyman said this video should be sent out annually to students, faculty and staff to keep a heightened awareness. Chief Clark said he would talk with University Relations about doing this.
- Professor Bearinger said that there are people on campus who have experience working with Minneapolis’ sexual assault response team. She suggested thought be given to setting up this type of care on campus for people who are victims of a sexual assault.
- Professor Bearinger requested that when someone dials 911 from on-campus that the call to go to the UMPD rather than the City of Minneapolis Police Department. Chief Clark explained that the system is supposed to work so it geo-codes to a person’s location; however, the system does not always work as designed, especially when cell phones are involved.

**3. Graduate education policies:** Professor Campbell welcomed Professors Elizabeth Davis and Kathleen Thomas, Graduate Education Council Policy Subcommittee members, and called for a round of introductions.

Professor Davis said she and Professor Thomas are consulting on two policies: Application of Credits for Students Earning Graduate Degrees and Appointments as Director of Graduate Studies.

Professor Davis said the Application of Credits for Students Earning Graduate Degrees policy sets limits on how many credits a student can double count towards two master’s degrees, and sets limits on the number of credits a student can transfer toward their degree, etc. The Graduate Education Council Policy Subcommittee worked to simplify this policy and organize it so it clearly stipulates that in order to obtain a University of Minnesota degree a student needs to earn a minimum number of credits from the University while enrolled as a graduate student, and that a minimum number of credits can only be counted towards one degree. For additional credits a student earns beyond the minimum, it is up to the discretion of the graduate program whether or not to allow double counting, transfer credits, etc.

Based on the feedback that was received, said Professor Davis, the main change to the policy from the version the committee looked at last spring was to add flexibility into the policy. The

intent when changing the policy was not to make it stricter, despite the fact that some of the language may have implied that. Professor Davis opened the floor for questions:

- Professor French asked about special circumstances for interdisciplinary degrees such as a Ph.D. in Urban Planning and Engineering Transportation. Professor Thomas said such a degree would require the student to earn the minimum unique credits for each of the two degrees if they are separate degrees; however, if there is an interdisciplinary program established, this requirement would not apply. Professor Davis added that the minimum credit requirements are below the total credits a student would need so beyond that minimum level, if the program is fine with credits being double counted that would be allowed under this policy.
- Professor Konstan recalled in the old draft of this policy, the minimum number of credits had to be earned in the specific degree program the student planned to graduate from, and now the current draft says that the student just needs to be enrolled in a degree program. Is there a “general-studies type” degree program that a student could enroll in if he/she is uncertain about what degree they want to pursue? Professor Davis said she does not believe so, but added that a student can take a course without enrolling in a degree program. Eventually, however, the expectation would be that the student would apply and be admitted in a program in order to earn a degree. Professor Konstan said his concern is that there are a lot of students who take courses at the University in order to stay current in their respective fields without the intent of getting a master’s degree. However, if a student later changes his/her mind, and wants to get a master’s degree, the policy says the coursework they have already taken would not count because they were not enrolled in the program as a degree-seeking student.
- As the policy is written, said Professor Konstan, it does not specify who, if anyone, would have the authority to grant exceptions. Who can grant exceptions? Professor Davis said the current policy does not grant exceptions as far as she is aware. Professor Thomas added that if exceptions were granted it would be decided by the vice provost and dean of the Graduate School.
- Professor Bearinger asked about whether this policy applies to the School of Nursing’s Doctorate of Nursing Practice (DNP) program. Professor Davis said the Graduate Education Council Policy Subcommittee is not addressing which programs fall under these graduate education policies; this is beyond the subcommittee’s scope, but agreed that the issue of which policies apply to graduate and professional programs needs to be clarified. Belinda Cheung, assistant vice provost of graduate education, added that the intent is that the DNP is currently under the scope of the 13 graduate education policies. The goal is to eventually bring in degree programs that were previously exempt from the graduate education policies under some kind of policy family (new policies or revised).
- Professor Gardner asked who makes the final decisions about the graduate education policies. Professor Davis said the Graduate Education Council Policy Subcommittee proposes the policies and brings them to the Graduate Education Council (GEC) and then the Senate Committee on Educational Policy (SCEP) and finally to the FCC. She added that it is her understanding that it is under the purview of SCEP to approve or not approve educational policies, and to decide if policies need to go to the Faculty Senate for a vote. Professor Gardner said he would like to see formal language indicating that educational program policies are the formal responsibility of the Graduate Education Council and

SCEP. Professor Davis agreed that adding this language might be helpful for clarification purposes.

The next policy, Appointments as Director of Graduate Studies, said Professor Thomas, underwent minimal changes. Most of the changes were simply to clarify language in the policy. Besides the language clarification changes, the only other change made was that the collegiate dean or chief academic officer who approves the appointment of the director of graduate studies (DGS) is now able to delegate that responsibility to the vice provost and dean of graduate education should that person so choose. Professor Thomas then asked members if they had questions or comments about the changes.

Professor Gardner asked if DGS positions are typically filled through the process of nomination and voting in departments; and, if so, why does the policy say that the authority lies with an administrative dean or officer. Should the authority lie with the department, and not the collegiate dean? Professor Davis said she believes each program is supposed to have a process in place for selecting their DGS. She added that this policy does not outline the process for how a unit selects its DGS, but rather it says that a unit must have a DGS. Professor Gardner noted that most of the collegiate deans are not qualified to appoint DGSs because this is not their area of expertise. Professor Davis said the policy says that collegiate deans or chief academic officers are supposed to appoint DGSs in consultation with program faculty. Professor Gardner said consultation is not an election; the faculty used to vote to elect their program DGS. Professor Konstan added that it would be important to get a sense of how the graduate faculty of individual programs are actually involved in the nomination and advisement on selection of DGSs. Based on his experience, most programs do not consult on the appointment of the DGSs. Having said that, Professor Konstan suggested the Graduate Education Council may want to suggest the Graduate School assess the degree to which programs are complying with the existing policy. Professor Wyman agreed with Professor Konstan's comment and asked whether the Graduate School has examples of standards for selection of a DGS. Professor Campbell noted that while this is a great policy, if one were to go query units/programs, one would find it is not being followed. Professor Gardner reiterated his earlier suggestion that faculty in a graduate program should vote on their DGS. Professor Davis responded that she does not disagree about having a vote, but the point is that a lot of practices and policies have devolved to the college and program level. With that said, what do faculty want from these University-wide policies? If the Graduate Education Council made a University-wide policy on how programs select their DGS, there would likely be a lot of push back. While it is probably not possible to make this change in this revision, the Graduate Education Council can move forward on monitoring whether there is faculty input/consultation when programs select their DGSs.

Professor Bearinger commented that in her opinion the policy language does not reflect what is being said about faculty engagement in the DGS selection process. Related to this, Professor Wyman suggested each school should be able to define criteria for what their DGSs should be like. Professor Campbell said his concern with the policy is that practice is not meeting policy. At minimum, the parts of the policy that are pre-existing, should be implemented in the schools, and he does not believe this is happening because of the decentralization that has taken place across the institution.

Hearing no additional comments, Professor Campbell thanked Professors Davis and Thomas for attending the meeting. In turn, Professors Davis and Thomas thanked FCC members for their feedback.

4. **Provost Hanson:** Professor Campbell welcomed Provost Hanson and called for another round of introductions. Provost Hanson began by noting that it is her understanding that the University community is attentively awaiting the announcement about the selected Grand Challenges. As members may recall, a ‘Call for Ideas’ was issued last spring and some 130 ideas were received from faculty. The Grand Challenges Research Strategies Team submitted their report earlier this week and the publicity connected with the report will likely be rolled out a few weeks or so from now. Provost Hanson went on to say that the Grand Challenges Research Strategies Team included in its report a set of recommendations, both procedural and substantive, about both Grand Challenges the campus should embrace and how the campus might further promote a range of interdisciplinary research. From the outset, the Grand Challenges Research Strategies Team, noted Provost Hanson, has always understood its role in the context of the rest of the Strategic Plan for the campus. The Strategic Plan has a name – Driving Tomorrow. Driving Tomorrow, the Strategic Plan, is in part motivated by a recognition that this University has virtually unparalleled breadth, as well as great depth, and the plan suggests how this breadth and depth can be brought to bear on big problems. Among the recommendations from the Grand Challenges Research Strategies Team, besides the articulation of general foci for research, were suggestions for going about strengthening interdisciplinary opportunities.

Once this information is rolled out publically, said Professor Uggen, it will be important to think about how it should be communicated to different constituencies, especially legislators. Provost Hanson agreed and expects that this will be a topic of discussion at the Senior Leadership Team retreat that takes place tomorrow.

Originally, the Strategic Plan called for identifying three to five Grand Challenges, noted Professor Wyman, is this still the case? Provost Hanson said she does not want to go in depth at this point about what the report says, but essentially the Grand Challenges Research Strategies Team identified five large areas out of the submissions they received. In addition to the five large areas, they also identified areas that could contribute to addressing the Grand Challenges. The University plans to use a similar approach in rolling out the Grand Challenges as it did when rolling out the whole Strategic Plan – it will want to think in terms of quick wins followed by larger institutional transformations.

Professor Desai commented that based on articles in The Chronicle of Higher Education, etc. that often the selling and claims of identified Grand Challenges are so grandiose that they cannot be met. The University needs to remember it is an institution of higher learning with an emphasis on knowledge production; there needs to be a balance. Provost Hanson agreed that the Grand Challenges are meant to be addressed by the research strengths of the University.

Professor Gardner asked if there have been conversations about how to use the Grand Challenges as it relates to framing the University’s capital campaign. Yes, said Provost Hanson, and added that, of course, the capital campaign is for the whole University. The administration will work

closely with the University Foundation and the chancellors on the system campuses to frame the campaign so it is systemwide. Professor Gardner said while the University has been successful in fundraising for its endowment, it frequently makes the pitch for things that are on the edges as opposed to its core. Most other institutions focus their fundraising efforts on shoring up their core and the University should do the same. The University should frame what the University does rather than the other way around.

Professor Campbell thanked Provost Hanson for a good discussion.

**5. Petition by the labor union, Service Employees International Union (SEIU), to represent Twin Cities faculty:** Professor Campbell turned to Vice President for Human Resources Kathy Brown for an update on the recent petition by SEIU to represent Twin Cities faculty. Vice President Brown noted that earlier this week the SEIU Local 284 petitioned for representation of Unit 8 under the State of Minnesota Public Employment Labor Relations Act (PELRA). PELRA is the state law that promotes orderly and constructive relationships between all public employers and their employees. Section 179A.11 (<https://www.revisor.mn.gov/statutes/?id=179a&view=chapter#stat.179A.11>) of the statute covers the University of Minnesota, and Unit 8 specifically is the Twin Cities Instructional Unit, which includes positions of all instructional employees with the rank of professor, associate professor, assistant professor, research associate or instructor, and research fellow located on the Twin Cities campuses.

Immediately following the filing of the petition to represent Twin Cities faculty on Tuesday, January 20, said Vice President Brown, the Bureau of Mediation Services, which is the state agency that administers PELRA issued a notice of “Maintenance of Status Quo” to the University of Minnesota. The notice stipulates that the University cannot change any terms and conditions of employment until either there is an election and a decision is made not to have an exclusive bargaining representative, or there is a decision to have SEIU as the exclusive bargaining representative and a collective bargaining agreement is achieved. While there is not a complete listing of everything covered under the Maintenance of Status Quo Order, all terms and conditions of employment for employees covered under Section 179A.11 Unit 8 cannot be changed. Additionally, the University cannot question any individual with respect to their membership in a labor organization, or their desire to vote for or against a union nor can there be any discrimination as a result of the petition being filed. Vice President Brown said the Maintenance of Status Quo Order would be posted throughout campus to make employees aware of it.

Vice President Brown noted that some confusion has arisen out of news articles related to this matter, which have used the terminology “faculty and contingent faculty.” The University does not have an employee group called “contingent faculty” nor are there employee classifications that are “contingent faculty;” therefore, it has no legal meaning, and is not addressed in the Maintenance of Status Quo Order or the petition for representation.

The Bureau of Mediation Services will review the cards against the lists of eligible voters to determine whether 30% of the group signed for an election. If this threshold has been reached, then an election date will be set. Once the bargaining unit membership is finalized, the list of

names will be posted so there is no uncertainty about who is eligible to vote. There are, however, some issues that need to be resolved, noted Vice President Brown. For example, people who have appointments that are less than 35% time will need to be sorted out. It is important to be aware, said Vice President Brown, that the election will be determined by a majority of those who vote, e.g., if there are 2,000 people in Unit 8, and 200 people vote, then 101 people would determine the outcome for the entire 2,000 people in the unit. It is important that everyone in the bargaining unit pays attention, is aware of the issues, and participates in the vote as a majority of those who vote will decide the outcome for all.

Vice President Brown then solicited members' questions. Professor Feeney asked which colleges/schools would be voting. Vice President Brown explained that the Law School and the six academic health colleges, all of which previously voted to be excluded from Unit 8, will not vote in the upcoming election. While the statute does not provide for other colleges to vote to be excluded from Unit 8, unless the faculty in the Law School and the academic health colleges decide to vote themselves back in, which the University has no indication is eminent, the numbers are fairly stable.

Professor Konstan asked about the timeline for a vote, and implications if the vote were taken over the summer. From a University standpoint, said Vice President Brown, while there is always the potential for a mail ballot, the University would advocate against holding a vote in the summer because it would not be a fair voting period. With that said, it is likely a vote will take place either before the end of the spring semester or the beginning of the fall semester. She said the University has had no contact with the union about the timing of the vote and she does not know their point of view on this matter.

What does the Maintenance of Status Quo Order mean with respect to the promotion and tenure dossiers, asked Provost Hanson? Vice President Brown said this is an issue (the tenure review process) that will need to be addressed. Then, under the guidance of the Bureau of Mediation Services, the University will have a conversation with the union to identify activities the University can continue to do during the status quo period or if there are activities the University will not be able to do during this period. This is an open-ended question at this time. Every issue that comes up now as it relates to terms and conditions of employment will need to be discussed to determine if it falls in the Maintenance of Status Quo Order or outside the Maintenance of Status Quo Order, and what steps will need to be taken to resolve each issue.

Professor Uggen asked if the Maintenance of Status Quo Order pertains to retention offers, etc. Under a strict reading of the Maintenance of Status Quo Order, said Vice President Brown, the University cannot change any terms and conditions of employment. The various scenarios that will come up under the Maintenance of Status Quo Order will need to be discussed with the union on a case-by-case basis under the guidance of the Bureau of Mediation Services. Professor Desai added there are also other policies that will be impacted, e.g., sabbatical leave, faculty parental leave, regents scholarship. Vice President Brown agreed that there are a number of policies that have been in progress for quite awhile that are now on hold.

Professor Bearinger asked about how the Maintenance of Status Quo Order impacts merit review. Vice President Brown said this also falls under the status quo umbrella because it relates

to terms and conditions of employment. This is another example of an issue that would need to be discussed with the union on a case-by-case basis under the guidance of the Bureau of Mediation Services.

Do the faculty in the schools that previously voted to be excluded from Unit 8 still fall under the Maintenance of Status Quo Order, asked Professor Krichbaum? No, said Vice President Brown, these schools can conduct business as usual.

What does “status quo” mean, asked Professor Konstan? Does status quo mean the train will keep moving or does it mean stop the train? For example, if a department has a practice of annually providing funds to faculty for conference travel, can they continue to do so or do they have to stop distributing these funds because they are not to do anything that may influence faculty. Vice President Brown said this is another example of an issue that will need to be discussed with the union under the guidance of the Bureau of Mediation Services.

Professor Gardner asked Vice President Brown her position on this matter. Vice President Brown said her position is whatever Provost Hanson’s position is. The Office of Human Resources (OHR) will take direction from the academic officers as to how they proceed. OHR has experience in working with unions and the Bureau of Mediation Services so its role is to help manage and facilitate the process.

For the sake of discussion, said Professor Feeney, assume faculty vote to unionize, what will this mean for faculty governance. Vice President Brown said she does not have a definitive answer to this question, but the law stipulates that all terms and conditions of employment must be handled through an exclusive bargaining representative. Everything will need to be looked at issue by issue to determine whether it is a term and condition of employment under the law or not. She added that she has not been contacted by the union so she does not know their position on faculty governance.

Professor Konstan said there have been discussions in FCC as well as more broadly about what it would take to fully integrate the faculty who are represented by a union, e.g., Duluth, within the University’s existing governance and consultation structure. If the University administration were supportive of retaining the existing structure, could the union agreement be written as such? Vice President Brown said that from a legal perspective, the real issue is whether there is direct dealing or not and whether there is an exclusive bargaining representative. Based on her experience over many years of doing labor work, it is difficult to define these issues at the front end of the process. This is a work in progress, and, as issues come up, they will need to be addressed because they had not been previously contemplated. As an exclusive representative of an employee group, the employer, by law, has a duty to bargain with the union on terms and conditions of employment, and, if they do not, this can be considered direct dealing and an unfair labor practice. Professor Campbell commented that historically the Board of Regents would also be a major player when it comes to decision-making because they have strong feelings about the issue of governance. Vice President Brown said the reason the Board would be intricately involved is because they are the signator on all collective bargaining agreements.

In Professor Gardner's opinion, if the faculty voted to unionize, and they asked the union to agree to a governance structure that looks like the current structure, it could be written into the union contract if both parties agreed. He added that he does not believe there is anything in the law that precludes this from happening. Vice President Brown reiterated that all terms and conditions of employment are open to bargaining. Professor Gardner said that is exactly what he said. Vice President Brown said Professor Gardner actually went one step further and concluded that the governance matter could be resolved in the bargaining agreement. She said she would reiterate her earlier comment that in her experience drafting clear, definitive language about how this would look, and work could prove to be quite challenging/difficult. Vice President Brown said the difference between the current structure and a structure involving an exclusive bargaining representative is that faculty/administrator discussions would also include a third party, the exclusive bargaining representative, which means the discussions would no longer be just faculty and the administration.

Professor Krichbaum asked Vice President Brown who determines who will be on the list of eligible voters. Vice President Brown explained that OHR would start by pulling employment records off the system. While pulling this information from the system, OHR will ask the HR leads in each college to pull their records as well so the information can be compared and verified for accuracy. The Bureau of Mediation Services has asked the University to provide the list of eligible voters to them by February 4, 2016.

Professor Gardner said when talking about tenured and tenure-track faculty, he urged OHR to be cautious when pulling together the list of eligible voters because someone could be on disability or another type of leave without pay, but normally have a 100% or 75% appointment. Vice President Brown thanked him for the suggestion. She added that this exemplifies why creating the list is not just a simple run of the computer, but requires some analysis.

Professor Campbell asked whether the FCC can continue to function as normal without having to be worried about running afoul with the petition to unionize that has been filed with the Bureau of Mediation Services. In Vice President Brown's opinion, the FCC can continue to have conversations because the committee is not taking any actions on terms and conditions of employment.

Hearing no further questions, Professor Campbell thanked Vice President Brown for providing this information. Vice President Brown said OHR is a source of reliable information about this matter should members have questions.

**6. Freedom of expression/academic freedom statement:** Professor Campbell said while there is not nearly enough time remaining to delve into the statement drafted by Professor Carpenter, he would like to spend the remaining time talking about the statement and asked members to share their initial impressions of the draft document. He urged members to keep an open mind because this is a fluid process. The committee should take its time and get the statement right, said Professor Campbell, because the stakes are high. Before opening the floor for comments, Professor Campbell noted that while he did not ask Professor Carpenter if the document could be shared more broadly, he requested that members not distribute the document outside this room.

In Professor Uggen's opinion, the document is impressive; however, he thinks more could be done with the sections dealing with the protection of less powerful voices. The document assumes a more equal playing field than what actually exists.

Professor Konstan agreed that the document is impressive. He said his first reaction was that this is not the kind of statement, however, that should be coming from a governance body because it is uneven. On certain issues, it is high level and on others it plunges into great detail. The more detailed content probably deserves to be put in an implementation report around the principles that are outlined. The first step should be to adopt the principles. He added that it is clear from the document that Professor Carpenter has some hot button issues, which he covered thoroughly, but when it comes to the rights of the accused, for example, this has nothing to do with free speech. In Professor Konstan's opinion, this is the part of the document he felt that was jumbled together. The one thing that was not clear, said Professor Konstan, was the line between speech and other forms of disruptive action. Reading this document, he said, would not give him much guidance in thinking about what happens when a protest turns into an occupation, and what is protected speech in that environment, and, finally, at what point is the occupation considered trespassing.

Professor Desai said there are elements of the document that she likes, but she feels strongly about the lack of acknowledgement about differences in power, privilege and access to having one's voice heard. While the University cannot decide about power, it can say that something is decent or civil. Regarding the response to disruptive speech, Professor Desai said she thought it was quite draconian. The committee has been talking about student protests for awhile now, and she is really concerned that there is a lack of regard for the underlying issue of power. With regard to the example of Condoleezza Rice in the statement, said Professor Desai, for her it had nothing to do with the former Secretary of State coming to the University and speaking, but it was what she had done and the perception that she was a war criminal. A different way to think about it goes back to the frustration of black people not having access, which also applies to Charlie Hebdo and Condoleezza Rice. In order to create more speech, thought needs to be given to improving access. If the committee really wants to think about how to have freedom of expression, it needs to think about the situation of power and creating opportunities for the silenced, marginalized and under-represented to have their voices heard. An even playing field does not exist, and, as written, the document acquiesces the possibility of even addressing this fact, and she said she finds this objectionable.

Who is the audience for this document, asked Vice Provost Ropers-Huilman? By way of background, Professor Campbell said he was contacted by FIRE (Foundation for Individual Rights in Education) last summer asking him to endorse the University of Chicago's academic freedom statement. In consultation with Professor Desai and colleagues on AF&T, he decided not to endorse the University of Chicago's document, but to continue to stand behind the BOR Academic Freedom and Responsibility Policy, which he felt was adequate. Shortly after reporting this to the FCC, Professor Carpenter contacted him asking if he would be open to taking a stab at drafting a freedom of expression/academic freedom statement for the University of Minnesota because he felt the BOR policy did not go far enough, and Professor Campbell said that would be fine. One thing that will need to be given some thought is whether it will be possible to produce two parallel documents, one with a primary focus on freedom of speech and

academic freedom, and another document focusing on inclusivity, and an open campus climate. Professor Konstan suggested before encoding documents, it would be a good idea to have a public debate with the intent of being provocative. There should be a debate because there are a lot of people on campus who are free speech absolutists and there are others who have seen free speech abused as a form of oppression. These two groups should be brought together before a large, intelligent audience that will question them and give them an opportunity to challenge each other.

Regarding her earlier question about the audience for this document, said Vice Provost Ropers-Huilman, 14 single-spaced pages seems too long and because of this she is concerned it will not be used as it is intended to be used. The audience needs to be considered as this document moves forward. Additionally, she offered her strong agreement with Professors Uggem and Desai about strengthening the power inequity sections. Finally, while the statement is strong on free speech, it was short on the obligation of higher education leaders who have power within the system to respond to free speech when it creates a hostile climate. She said she would feel more comfortable with the statement if it acknowledged there was an obligation of higher education leaders to respond.

Before adjourning, Professor Campbell made a formal motion and thanked Professor Carpenter for all the time and effort he put into this draft document. Members unanimously passed this motion. Professor Campbell asked members to continue thinking about the document, which will be brought back for further discussion. This document is a starting point, said Professor Campbell, and Professor Carpenter has done the committee a great service. Professor Barajas said she is happy to hear this document is just a starting point because when she solicited input the responses she received was that it is a great statement about what free speech is if you are a white male who is a full professor at the University. However, free speech does not look the same for everyone; it depends on who you are.

Professor Campbell thanked members for a good discussion.

**7. Adjournment:** Hearing no further business, Professor Campbell adjourned the meeting.

Renee Dempsey  
University Senate Office